

Serial No. 10/586,554
Art Unit 2621

PU040012 US
Customer No. 24498

Remarks

Applicants have carefully reviewed the Office Action mailed March 18, 2010. Claims 1-6 and 15-20 remain pending. Applicants request reconsideration of the claims in view of the following remarks.

35 U.S.C. § 103(a) Rejection of Claim 1-6 and -15-20

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,786,519 to Fujita et al, in view of EP 817474 to Fegesch and in view of EP 579354 to Teece.

Claims 2-6 and 15-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,786,519 to Fujita et al, in view of EP 817474 to Fegesch and in view of EP 579354 to Teece.

Claim 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,786,519 to Fujita et al, in view of EP 817474 to Fegesch and in view of EP 579354 to Teece.

Claims 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,786,519 to Fujita et al, in view of EP 817474 to Fegesch and in view of EP 579354 to Teece.

Claims 1 and 17 are independent claims, whereas claims 2-6 and 15-16 depend from claim 1, and claims 18-20 depend from claim 17.

The examiner cites the Fujita reference to show a configurable video signal processing system (Col. 1, lines 15-33). Further, the examiner relies on Figure 97 of Fujita to show a conventional configurable video signal processing production system that includes a matrix switch having reproducible settings. The video signal processing apparatus of Fujita enables reuse of previously used internal configurations stored in a storage device that stores all or part of the states of intersections of the matrix switch. The Fujita reference claims that an operator no longer has to repeat an operation for each and every intersection setting and can obtain the desired settings by activating the intersection reproducing device, which simply reproduces the previous setting.

Serial No. 10/586,554
Art Unit 2621

PU040012 US
Customer No. 24498

Fujita clearly teaches away from the concept of establishing a plurality of current states of at least one production device, due to the fact that Fujita has at its intended purpose the storage of previous matrix switch settings for reuse at a subsequent time. As such, Fujita simply fails to disclose or suggest the initial step of establishing a plurality of current states of the at least one production device.

In making his rejection, the examiner claims that Fujita differs from claim 1 because Fujita does not provide any details as to the prior art implementation of conventional "freely configurable operator control panels."

While the examiner relies on Fujita for its prior art discussions, the examiner has failed to show where Fujita discloses or suggests the features recited in claim 1. In fact, the examiner has admitted that "Fujita does not provide any details as to how the conventional "freely configurable operator control panels" of the prior art processing system were implemented". The examiner's language in rejecting claim 1 gives rise to confusion, since the phrase "freely configurable operator control panels" does not appear in applicants' present claims.

To remedy the missing teachings in Fujita, the examiner cites Fegesch for describing conventional configuration of circuitry to implement freely configurable control panels like those disclosed in Fujita. The examiner then states:

"...the examiner maintains that it would have been obvious to one of ordinary skill in the art for the control panel (@ 11, 19) to have comprised a touch screen with the software/ memory objects being associated with physically actuating actuator elements of the screen; i.e., the examiner taking Official Notice that such touch screen control panels were notoriously well known in the art. The examiner maintains that it would have been obvious to one of ordinary skill in the art to have implemented the control panel described in Fujita et al using the conventional circuitry configuration described by Fegesch..."

In reviewing the combined teachings of Fujita et al. with those of Fegesch, applicants cannot identify any disclosure and/or suggestion of the steps recited in claim 1. For example, the combination of references fails to discuss the steps of "establishing a plurality of states of at least one production device...and/or the concept of storing such a plurality of states.

Serial No. 10/586,554
Art Unit 2621

PU040012 US
Customer No. 24498

Fegesch discloses a control device for a production unit, but the abstract provides few if any details of the control device. At best, Fegesch discloses a configurable control panel whose elements get selected before the start of a production. Thus, Fegesch, like Fujita, clearly teaches that the initial settings of the control panel or the control elements controlled by the control panel get retrieved from a memory. In Fujita, a memory stores the switch settings for "re-use" by the operator. In Fegesch, "the control elements are selected from the elements stored in memory." Thus both of these references rely on the previously stored settings relating to control elements and at no time "establish a plurality of states " of the one or more production devices, and then subsequently store those states as corresponding memory objects.

The examiner further cites teachings of Teece for showing the storage of machine states as software memory objects. However, as described above, the combination of Fujita and Fegesch clearly fail to disclose or suggest the applicants' claimed "establishing" and "storing" steps.

The failure of an asserted combination to teach or suggest *each and every feature* of a claim remains fatal to an obviousness rejection under 35 U.S.C. §103. Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render a claim unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents must also teach or suggest *each and every claim feature*. See *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggested by the prior art). Indeed, as the Board of Patent Appeal and Interferences has recently confirmed, a proper obviousness determination requires that an examiner make "a searching comparison of the claimed invention—including all its limitations—with the teaching of the prior art." See *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) (emphasis in original).

In view of the above, applicants respectfully assert that the combined teachings of Fujita and Fegesch fail to disclose or suggest the main elements of independent claims 1 and 17 as discussed above. As such, the additional teachings of Teece cannot cure the

Serial No. 10/586,554
Art Unit 2621

PU040012 US
Customer No. 24498

deficiencies in the teachings of Fujita and/or Fegesch, and therefore further fails to render the present invention obvious.

RECEIVED
CENTRAL FAX CENTER

JUN 07 2010

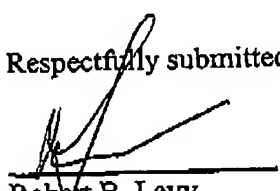
Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the examiner cannot take such action, the examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge any fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,

By:


Robert B. Levy
Attorney for Applicants
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
June 7, 2010